

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gretchen E. Cooper;
Barbara M. Herold;
and Lisa E. Boutelle;

Plaintiffs,

v.

Case No. 12-cv-2422 (JNE/HB)
ORDER

Prince Abdul-Rahman bin Abdul-Aziz,
solely in his individual capacity;
and Mohamed A. Elbashir,
d/b/a Crown Prince Limousine;

Defendants.

In September 2012, Plaintiffs filed this lawsuit, alleging sex-based discrimination in violation of Title VII, 42 U.S.C. § 2000e-2, and the Minnesota Human Rights Act (MHRA), Minn. Stat. § 363A.08, as well as tortious interference with contracts. In September 2014, the clerk made an entry of default against Defendants Prince Abdul-Rahman bin Abdul-Aziz and Mohamed A. Elbashir, d/b/a Crown Prince Limousine, for failure to plead or otherwise defend the action. On April 29, 2015, Plaintiffs moved for default judgment as to Prince Abdul-Rahman and Elbashir. A hearing date for the motion has been set for June 1, 2015 at 11:00 a.m.

In light of Elbashir's deposition testimony that Crown Prince Limousine has never had any employees, Plaintiffs will be required to present evidence at the hearing showing that Elbashir is an "employer" or "employment agency" as those terms are defined in Title VII and the MHRA. Plaintiffs will also be required to present evidence showing the damages they must recover from Elbashir and Prince Abdul-Rahman to obtain a full recovery.

In addition, the Court will consider whether all claims against Prince Abdul-Rahman and the tortious interference claim against Elbashir should be dismissed for failure to state a claim

under Federal Rule 12(b)(6). *See Smith v. Boyd*, 945 F.2d 1041, 1042–43 (8th Cir. 1991) (“[A] district court has the power to sua sponte dismiss a complaint for failure to state a claim.”). Plaintiffs may, on or before fourteen days from the date of this Order, submit a brief addressing the adequacy of these claims.

Plaintiffs are directed to supply a copy of this order to Defendants.

Dated: May 6, 2015

s/Joan N. Ericksen

JOAN N. ERICKSEN

United States District Judge